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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,438	08/07/2003	Gavin Brebner	500200905-2	8555

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EXAMINER	
MOON, SEOKYUN	
ART UNIT	**PAPER NUMBER**
2675	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,438	BREBNER, GAVIN	
	Examiner	Art Unit	
	Seokyun Moon	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-4**, **6**, **8**, **15**, and **16** are rejected under 35 U.S.C. 102(a) as being unpatentable by Saarinen (U.S. Pat. 6,882,335 B2, herein after referred to as "Saarinen").

As to **Claim 1**, Saarinen (fig. 4) teaches a context detecting apparatus (display apparatus 20) including a housing (housing 25) shaped to allow the apparatus to be positioned in a plurality of orientations (landscape orientation or portrait orientation) each corresponding to at least one particular context, means (display orientation sensitive user interface mechanism) adapted to detect the orientation (col. 8 lines 17-35).

It is necessary for Saarinen to include a device transmitting a command or control signal from the means adapted to detect orientation to the device of which the mode or context is supposed to be changed depending on the signal.

Therefore, the device of Saarinen includes communications means for communicating the orientation since the device changes the mode or context of the

device (speaker 26) depending on the orientation of the context detecting apparatus (display apparatus 20).

As to **Claim 2**, Saarinen teaches a context detecting apparatus as claimed in Claim 1 wherein the housing is a cube, triangular pyramid, or a regular or irregular solid (fig. 4 and fig. 6).

As to **Claim 3**, Saarinen teaches a context detecting apparatus as claimed in Claim 1 wherein the detection means (display orientation sensitive user interface mechanism) corresponds to one or more sensors (display mode sensor) adapted to sense the orientation of the apparatus (col. 3 lines 36-38).

As to **Claim 4**, Saarinen teaches all the limitation of Claim 4 except for the orientation is transmitted to the device by means of a cable.

However, it is necessary for Saarinen to include some connecting lines or means such as wires to transmit a command or control signal indicating the orientation from the means adapted to detect orientation to the device of which the mode or context is supposed to be changed depending on the signal.

Therefore, it is inherent to include in Saarinen such wires or cables for communicating the orientation to change the mode or context of the device depending on the orientation of the context detecting apparatus (col. 8 lines 17-35).

As to **Claim 6**, Saarinen includes a context detecting apparatus as claimed in Claim 1 wherein the apparatus is adapted so that it may be configured to identify one or more orientation (landscape orientation or portrait orientation) with one or more corresponding contexts (col. 8 lines 1-35).

As to **Claim 8**, Saarinen includes a device (speaker 26) adapted to be responsive to a context detecting apparatus as claimed in Claim 1 (col. 8 lines 17-35).

As to **Claim 15**, Saarinen discloses a method of detecting user context, the method comprising the steps of a user orienting a context detection sensing means (display orientation sensitive user interface mechanism) in a physical orientation corresponding to a chosen context, a device interpreting the context as communicated to it by the context detection means and modifying its behavior accordingly (col. 8 lines 17-35).

As to **Claim 16**, Saarinen teaches a device as claimed in Claim 1 where the appearance of the faces can be customized via printed labels, or via the update of integrated displays (display 22) incorporated into the devices (col. 7 lines 62-66).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Saarinen in view of Lindemann et al. (U.S. Pub. 2004/0223622 A1, herein after referred to as "Lindemann").

All of the claim limitations of **Claim 5** have already been discussed with respect to the rejection of Claim 1 except for the orientation being communicated to the device by wireless means.

However, Lindemann teaches a wireless speaker system including an audio transmission device for selecting and transmitting digital audio data, and wireless speakers for receiving the data and broadcasting sound.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Lindemann's wireless speaker communication method and apparatus in Saarinen to remove the need for wires and thus to increase the portability of Saarinen's device (Lindemann: pg 1, par [0005] and [0006]).

5. **Claims 7 and 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarinen in view of Huang (U.S. Pub. 2002/0186528 A1, herein after referred to as "Huang").

As to **Claim 7**, all of the claim limitations have already been discussed with respect to the rejection of Claim 1 except for a context detecting apparatus being in the form of a computer peripheral whereby each orientation of the peripheral corresponds to a specific user context when using a defined plurality of associated computers.

However, the inventor fails to teach the purpose or the advantage of specifying the context detecting apparatus being in the form of a computer peripheral in any part of the application.

Furthermore, Huang (fig. 2a) discloses a speaker device being implemented on a notebook computer (pg 1, par [0008] lines 1-2).

Therefore, it would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Saarinen's context detecting apparatus to be in the form of a computer peripheral since it is a known application to use speakers to obtain the sound output from a computer as shown and described by Huang.

As to **Claim 9**, Saarinen and Huang teach a device as claimed in Claim 8 in the form of a personal computer adapted to switch between different operating states in response to the orientation (landscape orientation or portrait orientation) of the context detecting apparatus (Saarinen: col. 8 lines 17-35).

As to **Claims 10 and 11**, all of the claim limitations have already been discussed with respect to the rejection of Claim 9 except for the operating states being standby, being locked, filtering, altering settings to colors, choice of software, and etc.

However, the inventor fails to teach the purpose or the advantage of specifying the operating states being such states in any part of the specification.

Furthermore, the combination device of Saarinen and Huang discloses the use of the device (speaker 26) adapted to be responsive to a context detecting apparatus in the environment of operating a computer and thus changing the mode or context of the device (speaker 26) is one type of changing computer setting as defined on Claim 11.

Therefore, it would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to disclose or specify the operating states of the device of Saarinen and Huang to be such states defined on Claims 10 and 11 to apply the method and apparatus of Saarinen and Huang in various applications.

As to **Claim 12**, Saarinen and Huang teach a device as claimed in Claim 9 adapted to be configurable by the user to allow the definition of and switching between different operating states (Saarinen: col. 11 lines 23-26).

As to **Claim 13**, Saarinen and Huang teach a device as claimed in Claim 9 adapted to control a second device such as a telephone, or speakers (26) in response to context information received from the context detecting apparatus (Saarinen: col. 8 lines 17-35).

As to **Claim 14**, all of the claim limitations have already been discussed with respect to the rejection of Claims 4, 7, and 9.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Xiong shows a finger worn and operated input device controlling the mode or context of computer, workstation, and computer based instruments.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seokyun Moon whose telephone number is (571) 272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2005/10/19
SM

KENT CHANG
PRIMARY EXAMINER